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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/813,647 03/07/97 HENDEL

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TM01/0109
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EXAMINER

VU, T

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

01/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/813,647

Applicant(s)

Hendel et al

Examiner

Thong Vu

Group Art Unit

2152



☒ Responsive to communication(s) filed on Dec 8, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-41 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-41 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. This office action is in response to the Interview on 12/08/2000. Claims 1-41 are pending.

The rejections cited are as stated below.

2. The applicant arguments filed 12/08/2000 have been fully considered but they are moot in view of the new ground(s) of rejection.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-41 are rejected under 35 U.S.C. § 103 as being unpatentable over Poirault et al [Poirault 5,923,667] in view of Killian [6,064,671]

4. As per claim 1, Poiraud discloses a method for interconnecting a first device and a second device in a network [col 2 line 35], comprising steps of connecting the first device and second device to a plurality of interfaces [Fig 1]; emulating a single high speed interface with the plurality of interfaces [col 2 line 40-45]. However Barrett did not detail assigning to said plurality of interfaces an associated identifier that identifies the connection between said first and second devices. Killian discloses a method for increasing computer network bandwidth through a single relative high speed communication link [Killian col 24 line 20] wherein the plurality of interfaces having a different address or identifier [Killian col 27 line 55]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the identifier or address assigned to a plurality of interfaces as taught by Baker into the Poiraud's system in order to provide the efficiency of the single high speed assigned to the plurality of

interfaces between the source and destination device on the network

5. As per claim 2, Poirault-Killian taught selecting one of the plurality of interfaces to send a packet of data [Killian col 6 line 29, col 7 line 4].

6. As per claim 3, Poirault-Killian taught the selecting one of the plurality of interfaces to send the packet of data comprises utilizing state information in the first device [Killian col 6 line 29, col 7 line 4].

7. As per claim 4, Poirault-Killian taught selecting one of the plurality of interfaces to send the packet of data comprises utilizing address information in the packet of data monitoring [Killian col 6 line 29, col 7 line 4].

8. As per claims 5,13 Poirault-Killian disclose transmitting a first packet of data on only one of the plurality of interfaces as the inherent feature of select the first interface [Killian col 6 line 29, col 7 line 4].

9. As per claim 6, Poirault-Killian disclose assigning a first identifier to a first interface and a second interface at the first device; and identifying a path between the first device to the second device with the first identifier [Killian col 27 line 55]

10. As per claims 7-9 Poirault-Killian disclose assigning the first identifier to the first interface and the second interface comprises assigning a media access control (MAC) address [Killian col 13 line 23, physical port] ; Internet Protocol (IP) address [Killian col 6 line 41]; a group identifier [Killian col 27 line 55]

11. As per claims 10,21 Poirault-Killian taught the first device comprises a load balancing unit that allocates data to be transmitted on the first interface and the second interface such that data traffic on the first interface and the second interface is approximately the same as an inherent

feature of selecting the physical interface or path to send a message [Killian col 6 line 29].

12. As per claim 11, Poirault-Killian taught allocating data to be transmitted on the first interface and the second interface, transmitting the data on the first interface when the output queue of the second interface is fuller than the output queue of the first interface and when previous data sent on the first interface is no longer on the first interface; and transmitting the data on the second interface when the output queue of the first interface is fuller than the output queue of the second interface and when previous data sent on the second interface is not longer on the second interface as the inherent feature of selecting the physical interface or path to send a message [Killian col 6 line 29].

13. As per claim 12, Poirault-Killian taught selecting one of the first interface and the second interface to send a packet of data based on address information in the packet of data [Killian col 6 line 29, col 7 line 4].

14. As per claims 14,19,24,32 contain the similar limitations set forth in method claim 1. Therefore, claims 14,19,24,32 are rejected for the same rationale set forth claim 1.

15. As per claims 15-18 contain the similar limitations set forth in method claims 2-5 respectively . Therefore, claims 15-18 are rejected for the same rationale set forth claim 2-5. 14.

16. As per claims 20,22 and 23 , Bell taught the first interface and the second interface are homogeneous; the first device is an end-node; the second device is a switch as a design choice of LAN [Killian col 4 line 28]

17. As per claims 25-31 contain the similar limitations set forth in method claims 7-10,22,23 Therefore, claims 25-31 are rejected for the same rationale set forth claims 7-10,22,23

18. As per claims 35-37 contain the similar limitations set forth in method claims 20,22,23 .

Therefore, claims 35-37 are rejected for the same rationale set forth claims 20,22,23.

19. As per claim 34, Poirault-Killian taught the trunking pseudo driver or subset of applications comprises an identification unit that assigns a first identifier to the first interface and the second interface that identifies a path between the first and the second device [Poireault Fig 5]

20. Claim 38-41 content the similar limitations set forth in method claim 1. Therefore, claims 38-41 are rejected for the same rationale set forth claim 1.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to :

(703) 308-9051, (for formal communications intended for entry)

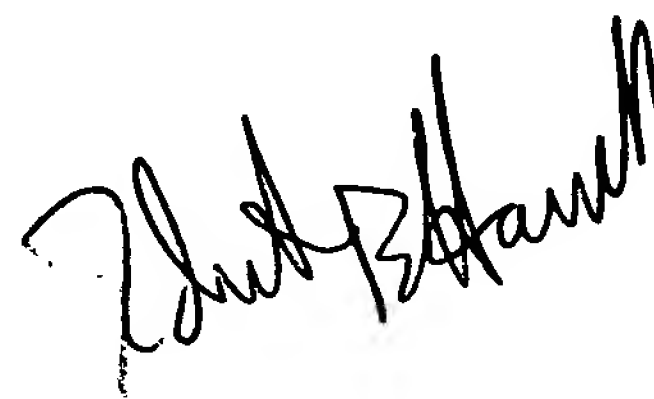
Or:

(703) 305-7201 (for informal or draft communications, please label "PROPOSAL" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu

Jan 04, 2001



**ROBERT B. HARRELL
PRIMARY EXAMINER**